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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,513	11/13/2000	Siegfried Schustek	1326	8193

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EXAMINER

PANG, ROGER L

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 01/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

86

Office Action Summary

Application No.

09/647,513

Applicant(s)

SCHUSTEK ET AL.

Examiner

Roger L Pang

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-9 and 11-19 is/are pending in the application.
- 4a) Of the above claim(s) 2,8,9 and 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-16 is/are allowed.
- 6) ☒ Claim(s) 1,6,7,11,12,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The following action is in response to the RCE filed for application 09/647,513 on December 16, 2003.

Election/Restrictions

Claims 2, 8-9, and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8.

Claim Objections

Claim 13 is objected to because of the following informalities: on line 4, the limitation of "generator/generator" should be replaced with --generator/motor--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-19 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 18, it is unclear whether the three shafts claimed at the end (i.e. ring gear shaft, planet wheel carrier shaft and sun wheel shaft) are the same shafts as the first, second and third shafts claimed previously in the claim. If they are (which is believed to be the case), it is suggested that applicant replace the final three lines

Art Unit: 3681

(starting with "wherein" and ending with "shaft" with --wherein the first shaft is a sun wheel shaft, the first shaft is a planet wheel carrier shaft, and the third shaft is a ring gear shaft.-- This change would also place the claim in condition for allowance. With regard to claim 19, this claim appears to be a hybrid claim, as the supplementary motor is claimed to be both a starter generator/motor and a second internal combustion engine. It is suggested that applicant remove lines 9-10 starting with "wherein" and ending with "engine."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7, and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsujii.

With regard to claim 1, Tsujii teaches a drive arrangement for at least one auxiliary system 16 of a motor vehicle, having an internal combustion engine 1, at least one supplementary motor 3 which is an electrical machine formed as a starter generator/motor of the engine, and a gear, characterized in that the gear is a planetary gear (Fig. 3), which is operatively connected to the engine and the at least one supplementary motor which is an electrical machine formed as a starter generator/motor of the engine, each via a respective input shaft (Fig. 3), and to the auxiliary system which is a climate control compressor via an output shaft (Fig. 3), so that the shafts are operatively connected to either one of the engine 1, the at least one supplementary

Art Unit: 3681

motor 3, and the auxiliary system (Fig. 3), and a first one of the shafts is connected exclusively with a first one of the engine, the at least one supplementary motor, and the auxiliary system, a second one of the shafts is connected exclusively with a second one of the ending, the at least one supplementary motor, and the auxiliary system, and a third one of the shafts is connected exclusively with a third one of the engine, the at least one supplementary motor, and the auxiliary system (Fig. 3). With regard to claim 7, Tsujii teaches the arrangement characterized in that a sun wheel 33 of the planetary gear is connected in a manner fixed against rotation to the input shaft of the supplementary motor (Fig. 3), and a carrier 34 for at least one planet wheel is connected to the input shaft of the engine (via 23/22). With regard to claim 11, Tsujii teaches the arrangement characterized in that a relatively small electric motor (Fig. 3) is used, which at a moderate power requirement makes a wide governing range possible. With regard to claim 12, Tsujii teaches the arrangement characterized in that the planetary gear, the electric machine, and the output shaft are components of a vehicle transmission (Fig. 3).

Response to Arguments

With regard to the Tsujii reference, the exclusivity of the shafts and planetary gearing connections are believed to be distinguishing limitations that overcome the prior art. However, as claimed, the first, second and third shafts can be read as the input shafts for said engine, motor and auxiliary system. Tsujii teaches of input shafts that are exclusively connected to the cited components. These shafts are operatively connected to other components, but so are the shafts of the present invention (since all three shafts connect through the planetary gearing).

Applicant's arguments have been considered, but are not persuasive.

Allowable Subject Matter

Claims 13-17 are allowed.

Claims 18-19 and 6 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Please Note: With regard to claim 1, the added limitation of said shafts originating from the planet gear would overcome the present rejection, and place the claim in condition for allowance. Also, it is suggested that the withdrawn claims that no longer read upon the independent claims (due to the creation of a new hybrid species) be canceled.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Art Unit: 3681

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L Pang whose telephone number is 703-305-0445. The examiner can normally be reached on 5:30am to 4:00pm.

Art Unit: 3681

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read 'Roger L. Pang', with a horizontal line extending to the right.

Roger L Pang
Patent Examiner
Art Unit 3681

January 20, 2004